

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FRANK UMBLE,

Plaintiff,

vs.

STATE FARM INSURANCE FIRE AND
CASUALTY COMPANY,

Defendant.

8:23CV507

**FINAL PROGRESSION ORDER
(AMENDED)**

The Court grants the parties' Joint Motion to Amend the Final Progression Order, [Filing No. 39](#), as set forth herein.

Accordingly,

IT IS ORDERED that the final progression order is amended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings currently set for November 5, 2024 is continued and will be held with the undersigned magistrate judge on **January 7, 2025 at 11:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the defendant(s):

December 2, 2024.

- 3) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, (Fed. R. Civ. P. 26(a)(2)(B)), and non-retained experts, (Fed. R. Civ. P. 26(a)(2)(C)), are:

For the defendant(s): December 18, 2024.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is January 2, 2025.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is February 6, 2025.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is February 6, 2025.
- 7) Motions in limine shall be filed twenty-eight days before trial. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 8) All other deadlines and provisions in the Court's prior final progression orders not amended herein remain unchanged.

Dated this 26th day of September, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.